REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-14 are pending in this case. Claims 1, 8, and 10-14 are amended by the present amendment. The changes to Claims 1, 8, and 10-14 are supported in the originally filed disclosure at least at Figures 17 and 21 and the associated descriptions. Thus, no new matter is added.

In the outstanding Office Action, the Specification was objected to; Claims 13 and 14 were rejected under 35 U.S.C. § 101; Claims 1-10 and 13-14 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1-3 and 5-17 were rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin, et al. (U.S. Pat. No. 7,389,273 B2, herein "Irwin") in view of Stefik (U.S. Pat. No. 5,715,403); and Claim 4 was rejected under 35 U.S.C. § 103(a) as unpatentable over Irwin in view of Stefik, further in view of Lin, et al. (U.S. Pat. No. 6,275,693 B1, herein "Lin").

With regard to the objection to the Specification for failing to define "computer readable medium", Applicant notes that the originally filed disclosure illustrates, at Figures 14 and 16, and describes, at page 85, line 10, and at page 95, line 6, read-only memories "ROM 204" and "ROM 271," respectively. Further, as set forth in MPEP § 2163.07(a), a disclosure that describes a device "that inherently performs a function or has a property . . . necessarily discloses that function." Stated differently, it is not necessary for a Specification to explicitly define the inherent features of each embodiment of an invention. In this case, the recitation of "computer readable storage medium" in Claims 13 and 14 is supported in the originally filed disclosure, because one of ordinary skill in the art would readily recognize that each of the disclosed ROM 204 and ROM 271 is a storage medium readable by a

computer. Thus, Applicant respectfully requests that the objection to the Specification be withdrawn.

As suggested by the Examiner, each of Claims 13 and 14 is amended to recite "non-transitory" computer readable storage medium. Thus, Applicant respectfully requests that the rejection of Claims 13 and 14, under 35 U.S.C. § 101, be withdrawn.

Applicant submits that, in Claims 13 and 14, "non-transitory" is only intended to exclude a signal as a computer readable medium.

In view of the amendment to Claims 12 and 14, Applicant respectfully requests that the rejection of Claims 12 and 14, under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicant respectfully traverses the rejection of Claims 1-10 under 35 U.S.C. § 112, second paragraph.

With regard to Claims 1-7, Applicant respectfully submits that a corresponding structure and/or algorithm of each recited "means for" element of each content data reproduction apparatus of Claims 1-7 is described in the originally filed disclosure at least at Figures 14 and 17-24 and the associated descriptions. For example, the corresponding structure of the "reproduction means for," as recited by Claim 1, is described at least with reference to the example embodiment 2-channel speaker 210, as illustrated at Figure 14. As another example, the corresponding structure of the "setting means for," as recited by Claim 1, is described at least with reference to step SP154, as illustrated at the flow diagram of Figure 17, and/or with reference to step SP181, as illustrated at the flow diagram of Figure 21, embodied in an algorithm stored upon a computer readable medium ROM 204, as illustrated at Figure 14, which is retrieved and executed by a processing unit CPU 203, as illustrated at Figure 14, as described at page 85, lines 10-15.

With regard to Claims 8-10, Applicant respectfully submits that a corresponding structure and/or algorithm of each recited "means for" element of each registration

confirmation apparatus of Claims 8-10 is described in the originally filed disclosure at least at Figures 16-24 and the associated descriptions. For example, the corresponding structure of the "first storage means for," as recited by Claim 8, is described at least with reference to the example embodiment disk drive 272, as illustrated at Figure 16. As another example, the corresponding structure of the "determination means for," as recited by Claim 8, is described at least with reference to steps SP176-SP178, as illustrated at the flow diagram of Figure 20, embodied in an algorithm stored upon a computer readable medium ROM 271, as illustrated at Figure 16, which is retrieved and executed by a processing unit CPU 270, as illustrated at Figure 16, as described at page 95, lines 5-9.

Because a corresponding structure and/or algorithm of each recited "means for" element in Claims 1-10 is described in the originally filed disclosure, Applicant respectfully requests that the rejection of Claims 1-10, under 35 U.S.C. § 112, second paragraph, be withdrawn.

Applicant respectfully traverses the rejections of Claims 1-14 under 35 U.S.C. § 103(a).

Amended Claim 1 recites, *inter alia*, "reception means for receiving . . . a registration confirmation signal which informs that said content data reproduction apparatus or said user has been registered," "storage means for storing . . . content data including a plurality of content data items," and "setting means for setting said plurality of content data items stored in said storage means to reproducible when said reception means receives said registration confirmation signal."

At page 7, the outstanding Office Action concedes that Irwin fails to describe, among other claim features, the "setting means," as defined by Claim 1, and asserts Stefik as teaching the features.

However Irwin and Stefik, even in combination, fail to teach or suggest at least the conceded deficiencies of Irwin with regard to amended Claim 1.

Irwin describes a digital rights management system for collecting and aggregating usage information across a consumer's devices. However, as conceded by the outstanding Office Action, Irwin fails to teach or suggest a "setting means," as defined by amended Claim 1, "for setting said plurality of content data items stored in said storage means to reproducible."

Stefik describes a system for controlling the distribution and use of digital works. At column 48, lines 40-55, Stefik describes a digital rights management billing scheme where a musician offers a right to copy a particular song, in digital form, without a fee. Stefik describes that, after the particular song is copied, **reproduction** (i.e. playback) **of the particular song** is conditioned upon the purchase of a "play right" associated with the playback of the particular song.

However, Stefik does not cure the above-discussed deficiencies of Irwin with regard to the above-recited claim elements of amended Claim 1. Specifically, Stefik does not teach or suggest a "setting means," as defined by Claim 1, "for **setting said plurality of content data items stored in said storage means to reproducible** when said reception means receives said registration confirmation signal." In Stefik, a user's purchased "play right" to play a copied song is associated with the copied song only. The "play right" of Stefik, which is related to the right to play a single song, fails to teach or suggest a right to reproduce a "plurality of content data items," as recited by Claim 1, and, thus, Stefik fails to teach or suggest the "setting means for setting said **plurality of content data items** stored in said storage means to reproducible," as recited by Claim 1.

To reiterate, the claimed invention according to amended Claim 1 is directed to a content data reproduction apparatus which sets a plurality of content data items stored in a

storage means to be reproducible, when a registration confirmation signal is received informing that either the content data apparatus or a user of the content data apparatus has been registered. Stefik, in contrast, describes **individually purchased rights** to reproduce songs and does not teach or suggest "setting **said plurality of content data items stored in said storage means to reproducible,**" as recited by Claim 1, "when said reception means **receives said registration confirmation signal,**" as defined by Claim 1.

Because Irwin and Stefik, even in combination, fail to teach or suggest at least the above-discussed features of amended Claim 1, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 1 and Claims 2, 3, and 5-7, which depend therefrom, be withdrawn.

Claim 4 depends from Claim 1, and, therefore, patentably defines over the combination of Irwin and Stefik for at least the same reasons as Claim 1. Further, Lin, which was additionally asserted against Claim 4, fails to cure the above-discussed deficiencies of Irwin and Stefik with regard to Claim 1 and is not asserted for the features of Claim 1 that are discussed above as deficient in the combination of Irwin and Stefik. Thus, Applicant respectfully requests that the rejection of Claim 4, under 35 U.S.C. § 103(a), be withdrawn.

Claims 11 and 13, although differing in scope and/or statutory class from Claim 1, patentably define over Irwin and Stefik for reasons similar to those discussed above with regard to Claim 1. Thus, Applicant respectfully requests that the rejection of Claims 11 and 13, under 35 U.S.C. § 103(a), be withdrawn.

Amended Claim 8 recites "transmission means for transmitting to said content data reproduction apparatus a registration confirmation signal which informs that said content data reproduction apparatus or said user thereof has been registered and **that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state.**"

At page 12, the outstanding Office Action concedes that Irwin fails to describe the "transmission means," as recited by Claim 8, and asserts Stefik as teaching the features.

However Irwin and Stefik, even in combination, fail to teach or suggest at least the above-recited elements of Claim 8.

At columns 27 and 28 of Stefik, Stefik describes the initiation of a session transaction. Stefik describes a log-on transaction which initiates a session transaction period. As illustrated at Figures 16 and 17 of Stefik, first and second repositories communicate to determine if the first and second repositories will exchange session keys to be used during transaction period communications.

However, Stefik does not teach or suggest the "transmission means," as defined by Claim 1. Specifically, the session keys of Stefik do not teach or suggest "that a plurality of content data items stored in said content data reproduction apparatus may be set to a reproducible state," as recited by Claim 8, because the session keys communicated between the first and second repositories of Stefik do not inform either repository of a reproducible state of any content data items. Instead, the session keys of Stefik are related to providing secure communication between the repositories of Stefik and do not relate to a reproducible state of any content data, at all.

Because Irwin and Stefik, even in combination, fail to teach or suggest at least the above-discussed features of amended Claim 8, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 8 and Claims 9 and 10, which depend therefrom, be withdrawn.

Claims 12 and 14, although differing in scope and/or statutory class from Claim 8, patentably define over Irwin and Stefik for reasons similar to those discussed above with regard to Claim 8, and Applicant respectfully requests that the rejection of Claims 12 and 14, under 35 U.S.C. § 103(a), be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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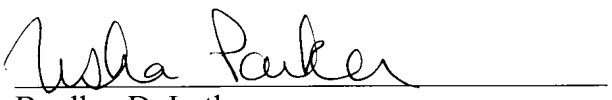

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